

UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

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ERNESTINE KAHALEKAI, an  
individual; HERBERT KAHALEKAI,  
an individual; DARREN DUNG, an  
individual; BARNEY BRUCKEN, an  
individual; MICHAEL KAWAIAEA, an  
individual; MFK UNLIMITED, LLC,  
a Nevada limited liability company,

Plaintiffs,

vs.

PAULETTE KIMURA-SHIMABUKURO,  
a.k.a. PAULETTE SHIMABUKURO, an  
individual; JAIMEE YOSHIKAWA, an  
individual; GRAND CANYON II LLC, a  
Nevada limited liability company; JAIMEE  
YOSHIKAWA INC., d/b/a PACIFIC  
CONCEPTS, a Nevada corporation,

Defendants.

2:10-CV-1889 PMP-LRL


**ORDER**

Before the Court for consideration is Defendants' fully briefed Motion to Dismiss Plaintiffs' Third and Seventh Causes of Action for a Failure to State a Claim Upon Which Relief Can Be Granted (Doc. #7). Specifically, Defendants' contend that the Plaintiffs' Third and Seventh Causes of Action fail to allege fraudulent misrepresentation and civil conspiracy with intent to defraud with the requisite particularity.

1 The Court finds that the viability of Plaintiffs' Third and Seventh Causes of  
2 Action will undoubtedly be clarified through the discovery process, and the claims as  
3 stated are sufficiently pled.

4 **IT IS THEREFORE ORDERED** that Defendants' Motion to Dismiss  
5 Plaintiffs' Third and Seventh Causes of Action for a Failure to State a Claim Upon  
6 Which Relief Can Be Granted (Doc. #7) is **DENIED**.

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8 DATED: December 20, 2010.

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PHILIP M. PRO  
11 United States District Judge  
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